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16 Attorneys for Defendant
BLUETRITON BRANDS, INC.

17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA**

19 ORIGIN MATERIALS OPERATING, INC.,

Case No. 4:22-cv-09138-HSG

20 Plaintiff,

**JOINT STIPULATION AND ORDER EXTENDING
TIME TO RESPOND AND REPLY RE: MOTION
TO AMEND**

21 v.

22 BLUETRITON BRANDS, INC.,

[Civil Local Rule 6-2]

23 Defendant.

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Under Civil Local Rule 6-2, Plaintiff Origin Materials Operating, Inc. (“Plaintiff”) and Defendant BlueTriton Brands, Inc. (“BlueTriton”) (collectively with the Plaintiff, “the Parties”) stipulate and jointly request that the Court extend the deadlines set by Clerk’s Notice (ECF No. 31) for Plaintiff to respond and Defendant to reply in connection with Defendant’s Motion for Leave to File First Amendment Answer and Counterclaims and to Modify Scheduling Order (ECF No. 30), as follows:

Event	Revised Proposed
Plaintiff’s Response	October 26, 2023
Defendant’s Reply	November 9, 2023
Motion Hearing	November 30, 2023

WHEREAS, on October 2, 2023, Defendant shared with Plaintiff a proposed first amended answer and counterclaim, asking if Plaintiff would stipulate to the amendment or to meet and confer prior to Defendant filing the motion (Declaration of Brian J. Focarino (“Focarino Decl.” ¶2);

WHEREAS, on October 3, 2023, Defendant shared with Plaintiff a further revised amended pleading, and stated it would refrain from filing the motion until Thursday, October 5, 2023 (*Id.* ¶3);

WHEREAS, on October 5, 2023, before Plaintiff’s counsel responded with its comments, Defendant filed its motion for leave to amend (ECF. No. 30) (*Id.* ¶4);

WHEREAS, on October 5, 2023, Plaintiff wrote to Defendant asking Defendant to further meet and confer to discuss the motion, and to discuss a briefing schedule for the motion that accounts for other deadlines in the case and other commitments of counsel, including a motion for another matter also due on October 19, 2023 (*Id.* ¶5);

WHEREAS, Plaintiff needs additional time to consider and brief the issues, as needed, and Defendant seeks a commensurate extension of time to file its reply (*Id.* ¶6);

WHEREAS, the Parties’ requested extension likely will impact or alter the date of the motion hearing set for November 16, 2023 (*Id.* ¶7);

THE PARTIES HEREBY STIPULATE and jointly request that the Court extend by seven (7) days the deadline for Plaintiff to respond and by fourteen (14) days the deadline for Defendant

1 to reply in connection with the pending motion to amend, and for the hearing to move back to allow
2 the Court adequate time to consider the briefing until November 30 or such other time that is
3 available to the Court.

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5 Respectfully submitted,

Dated: October 18, 2023

6 By: /s/ Brian Focarino
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19 Attorneys for Plaintiff
ORIGIN MATERIALS OPERATING, INC.

18 Dated: October 17, 2023

19 By: /s/Jonathan S. Pink
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25 Attorneys for Defendant
26 BLUETRITON BRANDS, INC.

1 **SIGNATURE ATTESTATION**

2 Pursuant to Local Rule 5-1(h)(3), I attest under penalty of perjury that concurrence in the
3 filing of this document has been obtained from all other signatories to this document.

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5 Dated: October 18, 2023

By: /s/ Brian Focarino
6 Brian Focarino

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that all deadlines set by Clerk's Notice (ECF No. 31) in connection with Defendant's Motion for Leave to File First Amendment Answer and Counterclaims and to Modify Scheduling Order (ECF No. 30) are modified as follows:

Event	Revised [Proposed]
Plaintiff's Response	October 26, 2023
Defendant's Reply	November 9, 2023
Motion Hearing	November 30, 2023

Dated: 10/19/2023



HON. HAYWOOD S. GILLIAM, JR.
U.S. DISTRICT COURT JUDGE